

**Purpose of Operation & Maintenance Group**

1/29/04

Operation and Maintenance (O&M) is a general term for the long-term actions or programs that usually follow or complement the primary cleanup at Superfund sites. People often think of O&M as the phase of the cleanup that occurs after "EPA leaves town," but some parts of O&M may occur at any time. Typically, O&M may include things such as: maintenance or repair of containment structures (e.g., landfill covers, walls); local ordinances or notification procedures for new discoveries of contamination; cleanup and disposal procedures; educational programs; or long-term operation of ground water treatment systems such as those for the Libby Groundwater Site. Generally, O&M is the responsibility of Potentially Responsible Parties or States, but many parties can have a role.

In Libby, there are many unique issues associated with the long-term aspects of cleanup. Many of these need to be addressed immediately, and some will require extensive coordination and planning. To begin planning for O&M, EPA will work with a group of people who may have the legal authority or financial responsibility for implementing these long-term parts of the cleanup plan. The group will be an advisory /discussion group, not a decision making body. EPA will ultimately make the cleanup decisions with the benefit of the information that local government and others can provide. While the start-up group may be small, many people will be asked to participate as the group discusses issues over which they have influence or in which they have an interest.

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EPA O & M TEAM

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CAG & TAG Members:

At last week's CAG, I stated that I had asked a local group, Healthy Communities Initiative (HCI), to assist EPA in developing a work group to address long-term cleanup issues for South Lincoln County. Since then, a number of you have contacted Wendy or me with questions or concerns. Given what we've heard from some of you, I thought it would be helpful to clarify the goals and expectations for this group. While we haven't made any decisions yet, Wendy and I believe that forming a new group to consider the long-term issues will be best.

HCI is comprised of several stakeholders with an interest in revitalizing Southern Lincoln County. Their stated goal is to help Libby and Troy become healthy and sustainable communities. EPA worked with HCI to put together the "Dream It, Do It" Economic Redevelopment Workshop earlier this year, which most people feel was a big success. Wendy and I are trying to visit with them more often than we have in the past to keep up with these issues. Local infrastructure, economic impacts, and community revitalization are somewhat new considerations in the Libby Superfund effort, but they are not unimportant.

EPA feels strongly that the actions we take should consider the future economic and social impact on the communities we work in. For instance, that is why the "comfort" letters that people receive after a cleanup take on such importance. This will undoubtedly be one of the issues the new workgroup would discuss. EPA will do what it can to impart positive messages about the cleanup and prospects for a healthy community. A healthy Libby, both environmentally and economically, will be in a better position to implement O&M and provide for asbestos victims. In this regard, our goals and HCI's coincide.

During a recent meeting with HCI, the subject turned to long-term operations and maintenance - an integral part of any cleanup which most often occurs after EPA leaves town. I explained that my plan was to begin a work group soon to begin identifying and discussing issues- as I have mentioned to the CAG and TAG in the past. Members of HCI noted that EPA's long-term strategy will affect the "health" of the community in a variety of ways, which is true. I suggested that HCI involvement in such a group might be a way for them to have a meaningful role in the cleanup. They pointed out that they believe they are perceived negatively by many people regarding asbestos issues and realize this division in the community is not productive. I agreed with that and asked for assistance in convening a group for starters.

Wendy and I have given the issue a great deal of thought and ultimately decided that some form of HCI involvement was a good thing for many reasons. First, members of HCI, based on their current role in government or business, will be important stakeholders in the *implementation* of an O&M plan in Libby. Second, the CAG and TAG each have their own individual purpose and charter and are comprised of people who joined for a specific purpose - not necessarily to discuss long-term O&M ideas. We did not feel that what was envisioned for an "O&M Workgroup" was a good fit for either organization alone. Third, it is clear that there is tension among several "groups" or people in Libby - CAG, TAG, HCI, and others included. Formation of a new group, which will include members of each of these groups, is a good way to engage people in productive dialogue around some important issues and hopefully begin to understand each other a little more. I've recently seen through the communication workshop set

up for EPA's contractors, and which several community members attended, that just getting people together to talk about the issues and listen to each other can be very productive. Talking these issues through from a variety of perspectives is also the only way I see to achieve long-term acceptance of an O&M plan.

The O&M plan will not just be about health risk, or technical soundness, or economic impacts, or community acceptance - it is about all those things. A group that represents all of those interests, one specifically chartered for this purpose, is what Wendy and I believe will work best. Such a group will have a lot of work to do - in addition to the important work of the TAG and CAG, not in place of it.

So how does EPA see the O&M Work Group coming about? We have asked HCI for help in convening the group, but beyond that we don't know and haven't discussed details with HCI or anyone else. Here are a few things we *do* know:

- Development of such a group is not the norm. EPA typically develops options for long-term O&M and presents/defends those to the public. Our intent is to work on these issues with Libby/Troy Stakeholders from the ground up.
- The focus of such a group will be more on local implementation than issues of policy or risk.
- The O&M Workgroup will only be an advisory/discussion group. It is not a decision making body. In the end, EPA must make decisions regarding cleanup and O&M.
- The TAG Charter does not provide for TAG developing or overseeing such a group. The TAG's role is to help the community understand site-related technical information by reviewing and explaining it and serving as a liaison between community members and EPA.
- No matter the outcome or workings of the O&M Workgroup, plans for O&M and long-term cleanup decisions are subject to extensive public scrutiny under Superfund law. This will not be a closed door operation. EPA will be submitting plans to CAG, TAG, other organizations, and the general public before anything is made final.
- While not really closed to anyone, EPA will to some degree seek specific "membership" in the O&M Workgroup. Our thoughts on representation are somewhat different than with other groups. A sensible makeup for this particular group would have more to do with *function* (e.g. federal, state, county, city decision makers; landfill operator; construction industry worker; fire department; electrician; real estate agent; excavator; resident; certified asbestos cleanup contractor; banker) rather than *representation* or a simple *cross section* of community members (e.g. victim; clergy; senior; TAG; CAG; HCI; CHC; County; City; St. John's, etc). It is essential to have those people who will be directly affected by encountering vermiculite through the course of their work, having to dispose of it, having to transport it, having to finance loans related to it, having to sell or buy homes containing it, and so forth.
- Lastly, I am confident that while finding the right mix of people with specific community "functions," we will wind up with representation from a broad spectrum of the community. I look forward to talking more about this group in the near future.